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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/646,745	11/10/2000	Marion Wendt-Ginsberg	STERFL/P007A	6053

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EXAMINER

NGUYEN, DUNG V

ART UNIT	PAPER NUMBER
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3723

DATE MAILED: 02/03/2003

17

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/646,745

Applicant(s)

WENDT-GINSBERG ET AL.

Examiner

Dung V Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 November 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19-30 and 34-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 19-30 and 34-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 January 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>13</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the device, automatic acting clamping apparatus, eccentric clamping apparatus, centrifugal clamping apparatus, rapid clamping apparatus, socket connection, bayonet connection, single-pitch screw, multi-pitch screw, single-pitch nut thread, multi-pitch nut thread, rectangular thread, trapezoidal thread must be shown or the feature(s) canceled from the claim(s). No new matter should be entered. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: a device for connecting the flap-type grinding tool to a drive apparatus and a separate carrier ring.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 19-30 and 34-37 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for a turned aluminum core and a

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rubber ring for connecting the flap-type grinding tool to a drive apparatus and a carrier ring attached to the rubber ring for holding the flaps, does not reasonably provide enablement for a device for connecting the flap-type grinding tool to a drive apparatus and a separate carrier ring for holding the flaps. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make or use the invention commensurate in scope with these claims. The claim is incomplete for omitting essential element, such omission amounting to a gap between elements.

5. Claims 19, 26, 29, 30 and 34-37 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The features such as an a socket connection, a bayonet connection, single-pitch screw and nut thread, multi-pitch screw and nut thread, a rectangular thread, a trapezoidal thread are not fully disclosed in the drawings and/or specification to enable one skilled in the art to make and use the invention. How do these features relate to the flap-type grinding tool or how do these features connect the grinding tool to the driving apparatus? It is not clear how an outermost outside surface of the lateral surface inclined less than 75 degrees to the axis of rotation and how a support body has a plurality of disks. How is the disk configured as a rapid clamping apparatus? Is the rapid clamping apparatus a separate device or an integral part of the flap-type grinding tool?

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 21, 22 and 24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase "and combinations thereof" renders the claims indefinite because the claims include elements not actually disclosed, thereby rendering the scope of the claims unascertainable.

Response to Amendment

8. The affidavit under 37 CFR 1.132 filed on 22 November 2002 is insufficient to overcome the rejection of claims 25, 26, 28-30, 34, 36 and 37 based upon enablement under 35 USC 112, first paragraph as set forth in the last Office action because: 35 USC 112, first paragraph required that the specification contains the manner and process of making and using the invention in a full, clear, concise and exact terms and the affidavit makes reference to text book "Design Elements in Precision Mechanics", German Institutes of Standardization and International Standardization Organization publications which are not included in the disclosure or always available to ordinary skill in the art to make and/or use the invention.

Response to Arguments

9. Applicant's arguments filed 22 November 2002 have been fully considered but they are not persuasive. In response to applicant's argument that this application is governed by the Articles and Rules of the PCT and Regulations, however, Article 27 (2) states that the provisions of paragraph (1) neither affect the application of the provisions of Article 7 (2). The drawing objection is not requirements as to form and contents of

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application but enablement for ordinary skill in the art to make and use of the invention, therefore, the requirement under 37 CFR 1.83(a) is proper.

10. Applicant's arguments with respect to claims 19-30 and 34-37 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

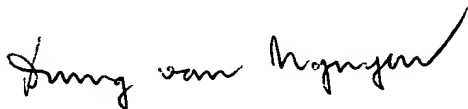
11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dung V Nguyen whose telephone number is 703-305-0036. The examiner can normally be reached on M-F, 6:30-3:00.

12. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph J Hail can be reached on 703-308-2687. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9302 for regular communications and 703-872-9303 for After Final communications.

13. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

DVN

January 30, 2003

A handwritten signature in black ink, appearing to read "Dung van Nguyen", with a stylized flourish at the end.

Dung Van Nguyen
Patent Examiner